

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-3586-2018(O&M)
Date of Decision: 19.09.2023

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Manphool and others

.....Appellants

Versus

Randhir Singh alias Dheera and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. D.S.Nain, Advocate for the appellants.

GURBIR SINGH, J (ORAL)

1. The present regular second appeal is filed against the judgment and decree dated 03.07.2017 passed by learned District Judge, Kaithal whereby the appeal filed by the appellants/plaintiffs against the judgment and decree dated 03.05.2017 passed by learned Civil Judge (Junior Division), Kaithal, was dismissed under Order 17 Rule 3 CPC, in a suit seeking permanent injunction.

2. The appellants/plaintiffs (hereinafter called as 'plaintiffs') filed a suit for permanent injunction restraining defendants No.1 to 3 from illegally dispossessing or interfering in their lawful and peaceful possession and perform defendant Nos. 4 to 6 over the 'bara' (plot) in dispute, forcibly and illegally on the ground that said plot measuring 0 kanal 3 marlas was allotted to plaintiff No.1 vide registered gift deed bearing No.435/1, dated 19.02.1985 and mutation was duly entered in his favour. Another plot measuring 0 kanal 3 marlas was allotted to plaintiff No.2 by registered gift deed bearing No.432/1 dated 19.02.1985 and mutation was duly sanctioned in his favour.

6 was also allotted plot measuring 0 Kanal 3 marlas vide gift deed No.433/1 dated 19.02.1985 and mutation was sanctioned in his favour.

3. The plaintiffs failed to produce any evidence and the suit of the plaintiffs was dismissed under Order 17 Rule 3 CPC by the learned trial Court vide order dated 03.05.2017. The appeal filed against the said judgment was also dismissed by the learned Appellate Court by relying upon various case laws.

4. I have heard the submissions of learned counsel for the appellants and perused the case file. The plaintiffs have failed to give any cogent reason to prove any illegality in the judgments passed by learned Courts below. There is no reason mentioned as to why the plaintiffs failed to lead any evidence. The first date after framing the issue for evidence of plaintiffs was 07.10.2016 and despite many adjournments, they failed to lead evidence and same was closed on 03.05.2017. There should be an end to litigation. The sword of litigation should not hang on the other party so that he cannot sleep properly and is unable to have peace of mind. Many litigants after filing the suit sleep on the matter and do not take any step for examining the witnesses and the Court is justified in closing the evidence. In the case in hand, the learned trial Court after giving proper opportunity to the plaintiffs closed the evidence and dismissed the suit.

5. No substantial question of law arises in the present regular second appeal and the same is, accordingly, dismissed.

(GURBIR SINGH)
JUDGE

19.09.2023

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